



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

May 20, 2024

Highways and Roads - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

| | |
|--|----------|
| Highways and Roads - Historical Notes | 3 |
|--|----------|

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in White County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1809, Chapter 82, appointed Alexander Lowry, John Walden, and Turner Lane, as Commissioners to view and select the most eligible way to open a public road from the present place of holding court in White County, which way would be the nearest and best way by the reviewer's camp on the Caney Fork River, to intersect the road leading from the Southwest Point to Carthage. When the way has been selected, they shall let the contract to build the turnpike, and, when it is completed, tolls may be charged as they are scheduled in the Act, and for as long as the road is in good repair.
2. Acts of 1819, Chapter 98, stated that John W. Simpson shall have the benefit of the turnpike gate on the road from Sparta to Daddy's Creek for the next ten years, if he keep the said road in good repair. He must widen it to 20 feet and keep it clear of undergrowth out to a width of at least 12 feet. William Glenn, of Sparta, is the Commissioner to inspect the road at least once every quarter and report its condition to the Quarterly Court of White County.
3. Acts of 1820, Chapter 23, appointed George Dawson as the Commissioner for the Cumberland Turnpike Road and John W. Simpson's Turnpike Road in the room and stead of William Glenn, who resigned. He shall be bound to the same duties and obligations as was Glenn.
4. Acts of 1821, Chapter 6, required the Quarterly Courts of all the counties to index and to classify the roads in their respective counties primarily according to width and surfacing. There were three classes down to a road which was wide enough to pass two horses and riders on the way to mill or market. There were stipulated penalties for obstructing roads.
5. Acts of 1822, Chapter 171, recited that the General Assembly passed an Act in 1821 which authorized Joseph Franks to open and keep a turnpike road and the said Franks has since removed from the area, this Act grants the same rights and privileges to Thomas Hopkins, except that neither Hopkins, nor his gatekeeper shall demand or receive any toll from the citizens passing from White County to Warren County, or vice versa, on normal business.
6. Acts of 1825, Chapter 144, was the authority for Reuben Ross to build a bridge over the Caney Fork River in White County on the road from McMinnville to Sparta and, once completed, the said Ross may charge the tolls set out in the Act provided he keeps the bridge in good repair, but persons going to and fro to attend military affairs shall not be made to pay the toll.
7. Acts of 1826, Chapter 31, authorized James Rogers to open and keep a turnpike road starting near Crain's old place on the south side of the Caney Fork River in White County and running thence the nearest and best way possible to intersect Gordon's Road in or near Grassy Cove, in Bledsoe County. Some specifications are set up to be met, and James Devers, of Bledsoe County, and Robert Gamble, of White County, are named as Commissioners to inspect the road.
8. Acts of 1826, Chapter 108, was the authority for Jesse Lincoln, of White County, to open and maintain a turnpike road from Sparta by, way of the nearest and best route, to Liberty in Smith County. The toll gate on the road shall not be within ten miles of either place. The road shall be opened under the same circumstances as are stated in the Act authorizing Lincoln to build a road from Sparta to the Crab Orchard. Adam Dale, of Smith County, and Jesse Allen, of Warren County, are nominated the Commissioners to inspect and supervise the road.
9. Acts of 1826, Chapter 180, repealed so much of the Act which permitted Reuben Ross to build a bridge across the Caney Fork in White County (Acts of 1825, Chapter 144), and which allowed Ross to charge certain tolls to cross. Section 2 gave the County Court of White County the authority to fix the rates which Ross could charge.
10. Acts of 1826, Chapter 183, allowed Nathan Haggard and James McKinley to open a turnpike road from Sparta in White County to Lebanon in Wilson County, by way of Milledgeville in White County. When completed, a toll gate could be erected and the tolls specified in the Act could be charged against people using it.
11. Acts of 1829, Chapter 251, permitted one John Brown to open and keep a turnpike road leading from Sparta in White County, intersecting the old Cumberland Road at Kinner's Stand, and to straighten the same as he deems best. The road shall be kept in good repair as is required of all roads in the area. William Glenn and John Kinner are appointed Commissioners to inspect the road and to enforce the same regulations as are in effect on Lincoln's Road in the same area.

12. Acts of 1831, Chapter 60, was the authority for Joseph C. Dew, and Company, to build a toll bridge across the Falling Water in White County, at or near Milledgeville and they may charge tolls according to the schedule approved in the Act except that the citizens of White and Jackson Counties and the U. S. Mail stage may cross the bridge free of toll at all times.
13. Acts of 1831, Chapter 90, appointed John Gillentine, as Commissioner upon the turnpike road leading from the foot of the Cumberland Mountain near Crow's in White County to the foot of the same mountain at Pikeville. He is given the right to open the gate and be paid \$1.50 per day for every day spent discharging his duties hereunder. If the proprietor should open the gate or fail to comply herewith, he shall pay \$25 to the Commissioner for each day of default.
14. Acts of 1831, Chapter 276, allowed John Dale, of White County, to erect a mill dam across the Caney Fork River where his land and mill is now located, provided he does not injure the ford, or the springs of the citizens upon the said river, by the construction of the dam.
15. Acts of 1832, Chapter 13, appointed Patrick Potts of White County as the Commissioner for the turnpike road leading through Overton and White Counties of which Robert Officer is the proprietor. Potts will succeed Enoch Murphey, and receive the same pay and perform the same duties as other Commissioners in the State, and on the same road.
16. Acts of 1832, Chapter 17, declared it to be unlawful for the Quarterly Court of White County to pay more than \$50 per annum, or to lay a tax for more than that amount, to keep the bridge across the Calf Killer River at Sparta in good repair.
17. Acts of 1832, Chapter 34, authorized Daniel Walling to build a toll bridge over the Caney Fork River in White County and he will be entitled to receive the same toll, and enjoy the same privileges and emoluments as are provided by law for the bridge across the said River at Rock Island, provided that Walling keeps up the road to the top of the hill and on each side of the said river at his own personal expense.
18. Acts of 1832, Chapter 38, was the lawful authority given to Jesse Lincoln and William Ussery of White County, to open a turnpike road from "a point on the road leading from Sparta in White County, to Liberty, in Smith County, known by the name of the Knotty Oak, in White County, three miles from Allen's Ferry, and to cross the Caney Fork at or near Lockhart's, or at the ford in the River." The road shall be at least 30 feet wide at level places and 16 feet wide on the hills. William Bruster and Henry Lydy, of White County, and Leonard Lamberton, and William C. Garrison, of Smith County, are all appointed to be Commissioners of the said road.
19. Acts of 1832, Chapter 105, allowed John Burk nine more months to complete his road from Sparta to Crab Orchard and commissioned Jesse Lincoln, John Kimmer, and John Ledder to supervise and inspect the said road at \$2.50 per day for each day spent in the discharge of those responsibilities. Section 2 was the authority for John Rose to open a turnpike from Arthur Frogg's in Fentress County which would intersect the road leading from Sparta to Kingston at or near Nathaniel Davis' place in White County. William Simpson and David Snodgrass were named Commissioners on this road at \$2 a day. Each worked to enforce the specifications of the road set out in the law.
20. Acts of 1832, Chapter 141, permitted James Hudson, and Patrick Potts and Company, both of White County, to build a dam for a powder mill across the Calf Killer River between Samuel Johnson's and John Settle's places provided, however, that the dam is built above Mr. Spark's spring.
21. Acts of 1833, Chapter 48, appointed Abijah Crane, and Peter Hoodenpile, as Commissioners on Hall's Turnpike leading from the foot of the Cumberland Mountain near Crane's place in White County, to Pikeville, in Bledsoe County, who would inspect the road and report on its condition at wages of \$1.50 per day for each day worked. Section 6, of the same Act, commissioned Sims Dearing and Patrick Potts, of White County to inspect the turnpike road running through White, Overton, and Bledsoe County.
22. Acts of 1833, Chapter 83, allowed Solomon Charles, of White County to build a bridge across the Caney Fork River at or near the mouth of his spring branch and he shall have the same toll rates and be subject to the same rules and regulations applied by law to the bridge across the Caney Fork at Rock Island.
23. Acts of 1833, Chapter 210, stated that the title to the turnpike road previously granted to Jesse Lincoln and William Ussery, which runs from Knotty Oak to Kennedy's old place towards Liberty, in Smith County, is hereby vested in Jesse Lincoln, above, and he is authorized to extend the said road westwardly to the foot of Snow's Hill in Smith County.
24. Acts of 1837-38, Chapter 240, named Leonard Lumberson, E. Wright, Bernard Richard, Luke

- McDowell, and Martin Phillips, of Cannon County; William Bruster, Nicholas Oldham, Anthony Dibrell, Eli Sims, William Lisk, Thomas Eastland, James Snodgrass, and Layman Leftwich, all of White County, as Commissioners to open the books for \$100,000 in stock to build a turnpike road from Lebanon, in Wilson County, to Sparta, in White County. The Commissioners will meet at Dibrell's Ford on the Caney Fork to organize. As soon as \$5,000 is subscribed, a meeting will be called to elect the Directors. If proper, these Commissioners may purchase the turnpike road owned by Montgomery C. Dibrell.
25. Acts of 1845-46, Chapter 11, incorporated Daniel Clark, Mark Lowrey, Madison Fiske and Barlowe Fiske, under the name of the Sparta and Crab Orchard Turnpike Company. The corporation was authorized to charge a toll. Joseph Herd and Smith J. Wallings were named Commissioners.
 26. Acts of 1845-46, Chapter 24, directed the Board of Internal Improvement to examine the Claim of Lebanon and Sparta Turnpike Company which has been filed against the State and recommend to the Governor the amount of bonds to be issued which may be equitable due said Company, but one-half of the net proceeds of the said road must be paid to the State each year if the bonds are issued.
 27. Acts of 1845-46, Chapter 213, incorporated Austin Young, John Lisk, and Warren Clark, all of White County, for the purpose of constructing a turnpike from Sandys Center's in Roane County, crossing Emery River where it passes through Walden's Ridge to intersect the turnpike road leading from Sparta to the Crab Orchard at some point between Charles Lowry's place on the said road and the Crab Orchard. The corporation was authorized to erect all the necessary bridges. After completion of the road, they may charge to same rate of toll as is charged by others in similar circumstances. Thornton Kindeed and David Alley, of Morgan, and Samuel V. Carrick, of White, were named Commissioners.
 28. Acts of 1847-48, Chapter 218, authorized Samuel Parker, Forister Fifer, Joseph G. Mitchell, Joseph W. Copeland, and Daniel M. Doyel, all of White County, and Fines Plumley, Joseph Cummings, William L. Mitchell, Gabriel P. Cummings, William Dotson, and W. B. Huddleston, all of Van Buren County, to sell stock for the purpose of building a bridge across the Caney Fork River at such point as a majority of those named above should choose. The authorized capital was \$2,000 and they could organize when \$1,000 of that amount was subscribed. When the bridge was completed they could charge tolls at the rate set out in the Act and no other.
 29. Acts of 1901, Chapter 136, was a statewide road law applying to all counties under 70,000 in population. At the July term in 1902, and every two years thereafter, the County Courts would elect a Road Commissioner from each civil district who would be in charge of all the roads and bridges in that district. This Act was subjected to judicial review in the case of Carroll vs. Griffith, 117 Tennessee 500, 97 SW 66 (1906).
 30. Acts of 1905, Chapter 478, amended the above Acts, Chapter 136, in several minor particulars but substantially in those portions concerning the hearing and disposition of the petition to open, close, or change roads, especially when the exercise of eminent domain was necessary to accomplish those purposes.
 31. Private Acts of 1913, Chapter 104, was a Road Law for White County which provided for a three member Board of Public Road Commissioners who would be elected by the County Court, for which no Justice of the Peace was eligible, and who would be appointed initially for staggered terms of one, two, and three years, and then for three years thereafter. The Commissioner could employ a road Superintendent, at \$1,000 per year, including all expenses, and who would be required to furnish his own horse and conveyance. This Act was repealed by the one below.
 32. Private Acts of 1915, Chapter 201, repealed Private Acts of 1913, Chapter 104, above, in its entirety. This Act then provided for a three member Board of Public Road Commissioners, naming J. F. Wilhite for two years, R. L. Hill for four years, and J. M. Taylor for six years, to serve those terms on the Board or until their successors were elected for six year terms. They would select a Chairman and employ a Road Supervisor for a term of three years, who would be sworn, bonded, qualified, in charge of all roads and crews, could enter upon land to clear out obstructions and who would be paid \$1,000 per year, plus expenses. The Supervisor would also act as the Secretary for the Board keeping records of all the proceedings.
 33. Private Acts of 1915, Chapter 422, recites that it amends Private Acts of 1913, Chapter 104, Item 30, above, by repealing so much of that Act as levies a poll tax for road purposes (no tax, called a poll tax, is levied under the 1913 Act) and substitutes the authority for the Court to levy a labor tax on every able bodied male between the ages of 21 and 50 in White County, to work at least five and no more than ten days on the roads in the district in which he resides, or pay 75 cents per day for each day assessed against them. The Court may borrow money in anticipation of the

- receipt of the above tax monies but the amount borrowed was not to exceed the assessment for the year. People living in incorporated cities were expressly exempted from these provisions.
34. Private Acts of 1919, Chapter 486, amended Private Acts of 1915, Chapter 201, Section 4, by providing for a Board of Public Road Commissioners who would organize within ten days of their selection and the passage of this Act by selecting a chairman from their own number to serve for two years, and two members would be a quorum to do business. The Board would be in charge of all the public roads in the county except State Highways, Civil Districts and road districts would be co-extensive with each other. A District Road Superintendent would be designated in charge of the roads in the district who would not be paid more than \$25 per year. Section 6, 7, and 8 were deleted and a provision inserted that the Board shall appoint a Clerk to keep his office in the Courthouse where the Boards would meet at least once each month. This Act was repealed by Private Acts of 1921, Chapter 488, below.
 35. Private Acts of 1920, Chapter 54, amended Private Acts of 1919, Chapter 486, Section 5, Item 33, above, by establishing the limits of the special tax levy for road purposes by the County Court of White County at no less than five cents nor more than fifty cents on each \$100.00 property valuation.
 36. Private Acts of 1921, Chapter 488, repealed Private Acts of 1919, Chapter 486. This Act created a five member Board of Public Road Commissioners, naming J. S. Sims, R. L. Hill, Rogers Cope, J. H. Potter, and J. M. Taylor, to serve until their successors are elected. The term of office was five years, the County Court selecting one each year as the term expired. Vacancies would be filled for the unexpired term. The Board would select their Chairman and Secretary to serve for one year each and three would constitute a quorum. The Board had the authority to decide all requests to open, close, or change roads; to accept State, or Federal aid; and to purchase tools and equipment but could not lend them out. Prisoners could be worked on roads under certain circumstances and all males outside cities, between 21 and 50 years of age must work five days on the roads or pay \$7.50 as a commutation fee.
 37. Private Acts of 1925, Chapter 627, amended Private Acts of 1921, Chapter 488, above, by striking out a portion of Section 12 and inserting provisions that the person's age for purposes of performing road duty would be determined as of January 10 of each year. The owners of two horse and four horse teams and wagons were required to furnish them for road work or to pay \$3.50 per day for each day not worked. The Act set a privilege tax for autos and trucks of various weights, which would be collected by the County Court Clerk. Violations of any of the provisions was a misdemeanor making the guilty ones subject to a fine.
 38. Private Acts of 1927, Chapter 688, which created a Board of Road Commissioners for White County, was repealed by Private Acts of 1987, Chapter 15.
 39. Private Acts of 1933, Chapter 892, was the authority for the County Board of Road Commissioners in White County to compensate John Sims for doctor and hospital bills incurred by him because of an injury received while he was serving as a County Road Commissioner, and for the time lost from his work because of the said injury, but the total amount of all shall not exceed \$600.
 40. Private Acts of 1935, Chapter 237, repeals Private Acts of 1933, Chapter 650, which was an amendment to the Road Law for White County rendered unconstitutional in the case of Hill v. Snodgrass, 167 Tenn. 286, 68 S.W.2d 943 (1934). Private Acts of 1987, Chapter 15, also repeals Private Acts of 1933, Chapter 650, and repeals Private Acts of 1935, Chapter 237, in Section 15.
 41. Private Acts of 1935, Chapter 243, amended Private Acts of 1927, Chapter 688. Both were repealed by Private Acts of 1987, Chapter 15.
 42. Private Acts of 1937, Chapter 533, provided that all the male inhabitants of White County shall be exempt from the provisions of Section 2773 and 2774 of the 1932 Code of Tennessee which required the male inhabitants between certain ages in the counties to work on the public roads of the county.
 43. Private Acts of 1941, Chapter 274, amended Private Act of 1927, Chapter 688, by inserting a new Section 3, which was in turn removed by Private Acts of 1953, Chapter 271.
 44. Private Acts of 1945, Chapter 219, is listed in some volumes as being applicable to White County and the population figures quoted does bring White County within its range but it is obvious that Act applies only to Scott County.
 45. Private Acts of 1945, Chapter 370, amended Private Acts of 1927, Chapter 688, and was repealed as applicable to White county by Private Acts of 1987, Chapter 15. Private Acts of 1927, Chapter 688, was also repealed.
 46. Private Acts of 1947, Chapter 269, amended Private Acts of 1927, Chapter 688. Both were

- repealed by Private Acts of 1987, Chapter 15.
47. Private Acts of 1951, Chapter 91, authorized the Board of Road Commissioners to fix the compensation of the County Road Supervisors, and was repealed by Private Acts of 1987, Chapter 15.
 48. Private Acts of 1951, Chapter 596, amended Private Acts of 1945, Chapter 219 (may have intended to amend the Private Acts of 1945, Chapter 370) and was repealed by Private acts of 1987, Chapter 15.
 49. Private Acts of 1953, Chapter 271, amended Private Acts of 1941, Chapter 274. Both were repealed by Private Acts of 1987, Chapter 15.
 50. Private Acts of 1970, Chapter 309, amended Private Acts of 1927, Chapter 688. Both were repealed by Private Acts of 1987, Chapter 15.
 51. Private Acts of 1978, Chapter 187, created the office of Chief Administrative Officer of the White County Highway Department who would be elected by popular vote for terms of four years and to whom were transferred all the duties, power, and authority of the Board of Public Road Commissioners and the Road Supervisor. This Act was disapproved by the Quarterly Court on May 4, 1978, and never took effect, although the efficacy of the Act rested upon the affirmative vote of a referendum.
 52. Private Acts of 1986, Chapter 183, was disapproved according to Book 59, Page 86 of the minutes of the White County Legislative Body on July 14, 1986
 53. Private Acts of 1987, Chapter 5, was disapproved according to Book 59, Pages 356-365 of the minutes of the White County Legislative Body on April 20, 1987.
 54. Private Acts of 1987, Chapter 15, created a board of highway commissioners and a superintendent of the highway department. This act was repealed by Private Acts of 1991, Chapter 67.
 55. Private Acts of 1990, Chapter 135, amended Private Acts of 1987, Chapter 15, regarding duties of the superintendent of highways. This act was repealed by Private Acts of 1991, Chapter
 56. Private Acts of 1991, Chapter 7, repealed Private Acts of 1987, Chapter 15, and Private Acts of 1990, Chapter 135. This act did not receive local approval and was "repealed" by Private Acts of 1991, Chapter 67.
 57. Private Acts of 1991, Chapter 67, repealed Private Acts of 1987, Chapter 15, Private Acts of 1990, Chapter 135, and Private Acts of 1991, Chapter 7. It further provided that the act should not be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which the official was elected.

Source URL: <https://www.ctas.tennessee.edu/private-acts/highways-and-roads-historical-notes-21>